

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

O.J.APPEAL No 1 of 1998

in

COMPANY PETITION No 51 of 1996

with

CIVIL APPLICATION No 4 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT and
MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ARVIND LIQUID GASES LTD.

Versus

L.K.P.MERCHANT FINANCE LTD.

Appearance:

1. O.J.APPEAL No. 1 of 1998
MR FA MEMON for Petitioners
2. CIVIL APPLICATION No 4 of 1998
MR FA MEMON for Petitioners

CORAM : MR.JUSTICE J.N.BHATT and

MR.JUSTICE A.M.KAPADIA

Date of decision: 18/02/98

ORAL JUDGEMENT

Admit. Service is waived by learned advocate Mr. S.N. Soparkar. Upon joint request, the matter is heard today.

Upon consensus and since sick note could not be brought to the notice of the learned single Judge, following directions are issued:

1. The impugned judgment and order of the learned single Judge dated 16.12.1997 shall stand quashed and set aside.
2. The joint request to fix the fresh hearing of the Company Petition in the first week of March 1998 will obviously be reiterated before the Company Court, subject to its convenience.
3. The appellants have undertaken that they shall not, in any manner, transfer or alienate the properties of the company along with the stock in trade, except in due course of the business of the company, until the decision after hearing both the parties.

Since the aforesaid directions are issued upon the joint request, we clarify that we do not express any opinion about the merits of the order. Accordingly, this application shall stand disposed of. No order as to costs.

So far as civil application is concerned, no order in view of the order passed in the O.J. Appeal.